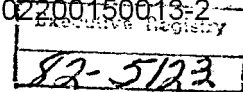
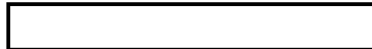


S E C R E T

OGC 82 - 05120  
25 May 1982

MEMORANDUM FOR: Executive Director/ODDCI

FROM:




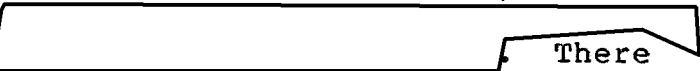
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Chief, Intelligence Law Division, OGC

SUBJECT: Confirmation Hearing -- Warrantless  
Physical Searches

1. This memorandum provides background on certain unconsented physical searches undertaken by CIA abroad that may be the subject of a question during your confirmation hearings.

2. The Attorney General was recently asked by the House Permanent Select Committee on Intelligence (HPSCI) to provide it with a briefing on the number and general nature of warrantless physical searches authorized by him since January 1981. The Department of Justice thereupon asked for our view on its proposed response, which summarized the cases involved. OGC discussed this matter with the Directorate of Operations (PCS), and on Friday, 21 May, I advised Justice of the answer we considered to be both responsive to the Committee's request and protective of our sources and methods. Justice subsequently advised that its briefing went well and that the SSCI has requested a similar briefing next month.

3. HPSCI was advised that since January 1981, CIA conducted  searches with the approval of the Attorney General. Each search was conducted overseas and was directed at envelopes sent by (and in one case, sent to) hostile alien intelligence officers. 

STAT

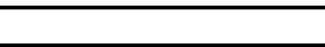
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There were no searches of real property, an area of concern to the committees. The authority to conduct such searches existed under the old as well as the new Executive Orders.

4. I have attached a Q and A for your use should this issue arise.

25X1

cc:



PCS/PGL/DO

25X1

S E C R E T

S E C R E T

Q: Has the CIA conducted warrantless physical searches?

A: The procedures approved by the Attorney General implementing the Executive Order on Intelligence Activities specifically permits CIA to conduct warrantless physical searches in carefully defined circumstances. Since January 1981, CIA has conducted [redacted] searches, each with the prior approval of the Attorney General based upon his express determination that there was probable cause to believe that the subject of the search was an agent of a foreign power. All searches were conducted abroad, all involved personal, and not real, property, and all involved sealed containers for delivery to or from a hostile alien intelligence officer.

[redacted]

25X1-human

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~~Approved For Release 2006/08/09 : CIA-RDP83M00914R002200150013-2~~

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